

REMARKS

Telephonic Interview

Applicant's representative appreciates the Examiner's consideration in working toward a resolution of the issues pending in this application and for his constructive comments during the telephone interviews that occurred on March 4 and March 5, 2008. The discussions included alternative claim language intended to facilitate prosecution of the current application. Applicant's representative cited portions of the current specification which teach a variety of decomposition methods that can result in the formation of powders. The methods involve either:

- a) heating the organometallic compound to at least its thermal decomposition temperature, or
- b) the application of some heating and the application of a secondary energy source such as for example a plasma source, an e-beam source, a molecular beam source or a laser source.

Citations were provided in the current specification were provided for each of the points noted above.

Applicant's representative agreed to consider suggested amended language for current claim 76 in line with the Examiner's recommendation in the current Office Action and suggested the addition of two new claims directed to the preparation of a powder utilizing a secondary energy source. The Examiner indicated that the claim language involving an amended claim 76 consistent with language suggested in the current Office Action and new claims 89 and 90 appeared to be allowable and suggested that applicant file a response to the current Office Action reflecting the proposed amendment and new claims. Applicant's representative agreed to discuss the new claim language with applicant and to provide a response to the current Office Action consistent with applicant's direction. Such a response is provided below.

Consideration of Current Rejections

Claims 74-77 are pending in the application. Claim 74 and 75 are withdrawn from consideration. Claims 76-77 are rejected. Claim 76 is rejected under 35 U.S.C. 112, first paragraph because the specification, while being enabling for the provision of a metal powder by thermally degrading a metal complex precursor, does not reasonably provide enablement for producing the powder from said precursor by any other approach. The Examiner expressed the

belief that claim 76 is lacking in the "essential element" of a medium maintained at a temperature at or above the thermal decomposition temperature of the complex. Claims 74 and 75 remain in the status of being directed to an invention non-elected without traverse.

Claim 76 has been amended to include language perceived missing by the Examiner and now requires heating at or above the thermal decomposition temperature of the organometallic compound. The amended language is consistent with language suggested in the current Office Action. Claim 77 has been cancelled. New claims 89 and 90 relate to the use of a secondary energy source in conjunction with heating to bring about decomposition of the organometallic compound and to provide powder formation. Support for new claims 89 and 90 can found at paragraphs 32, 3, 28, and 217.

Entry of the new claims is hereby solicited and further examination of the application is respectfully requested. The Examiner is encouraged to contact the undersigned by telephone by resolve any outstanding matters.

Respectfully submitted,

By Edward E. Sowers

Edward E. Sowers,

Reg. No. 36015

Woodard, Emhardt, Moriarty, McNett &

Henry LLP

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456